



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/582,771	08/29/2000	Norbert W. Quast	DB000852-000	2847

24122 7590 08/18/2003

THORP REED & ARMSTRONG, LLP
ONE OXFORD CENTRE
301 GRANT STREET, 14TH FLOOR
PITTSBURGH, PA 15219-1425

EXAMINER

HOANG, PHUONG N

ART UNIT	PAPER NUMBER
----------	--------------

2126

DATE MAILED: 08/18/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/582,771

Applicant(s)

QUAST, NORBERT W.

Examiner

Phuong N. Hoang

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3 – 6, 8 - 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Purtilo "Improving Module reuse by interface adaptation" p. 208 - 217.

As to claim 1, Purtilo teaches a running time system (system can create an execution-time module, p. 208 col. 2 paragraph 1), several components (components, p. 210 col. 2 paragraph 3), data acquisition (calling module, p. 210 paragraph 4) data disposal (called module, p. 210 paragraph 1), independent of program-defined interfaces (with the description of these two interface patterns available, the programmer can use Nimble can create a new actual interface, p. 210 col. 2 paragraph 5).

Purtilo does not explicitly teach first and second components.

It would have been obvious to modify the teaching of Purtilo's to make data acquisition to be the first component and data disposal to be second component because they are the method flow between two modules.

As to claim 3, it would have been obvious for one skilled in the art to recognize that data acquisition and/or data disposal is carried out without the cooperation of said second component.

As to claim 4, as best understood, the second component is inactive since data acquisition and/or data disposal is carried out without.

As to claim 5, it would have been obvious to keep the data in a region.

As to claim 6, it would have been obvious for one skilled in the art to manipulate any kinds of data in function calls.

As to claim 8, it would have been obvious for one skilled in the art to modify the called component can directly access an access data region.

As to claim 9, Purtilo teaches docking point (annotated actual parameter list is provided, p. 210 col. 2 paragraph 5).

As to claim 10, Purtilo teaches docking points (annotated actual parameter list is provided, p. 210 col. 2 paragraph 5), modifying the components where at least one docking point was found by entering call information (the annotated actual parameter list is provided so that the programmer can pick and choose, p. 210 col. 2 paragraph 5) about the further component at each docking point found.

As to claim 11, Purtilo teaches all interaction interfaces (actual interface pattern, p. 210 col. 2 paragraph 5).

As to claim 12, it would have been obvious for one skilled in the art to modify data fields to be screen fields.

As to claim 13, Purtilo teaches entering said call information into the docking point (the annotated actual parameter is used for entering information, p. 210 col. 2 paragraph 5).

3. Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Purtilo "Improving Module rescue by interface adaptation" p. 208 – 217, in view of Craze US patent no. 5,809,564.

As to claim 2, Craze teaches the data transmitted during the data acquisition are transferred from a memory image portion (the return address identifies the location in the application heap where the CPU should continue processing when the called function returns to the calling function, col. 4 lines 1 – 20) of said second component into a transfer data region of said first component.

It would have been obvious to apply the teaching of Craze to Purtilo's system because it speeds up the process.

As to claim 7, Craze teaches a waiting list (stack, col. 4 lines 1 – 15).

It would have been obvious to apply the teaching of Craze to Purtilo's system because the waiting list is used to keep all access data.

4. Claims 14 – 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Purtilo "Improving Module rescue by interface adaptation" p. 208 – 217, and in view of Dievendorff US patent no. 6,425,017.

As to claim 14, Dievendorff teaches generating at least one binary object (binary standards for objects, col. 9 lines 55 – 65) from the definition of the further component.

As to claim 15, it is the design of the system to have the maximum of one binary object for each docking point.

As to claim 16, as best understood, every component needs memory allocation for accessing to it.

Response to Arguments

Applicant's arguments filed on 06/13/03 have been fully considered but they are not persuasive.

Applicant argued that on claim 1, Purtilo fails to teach program-defined interfaces. Instead, Purtilo teaches the “new actual interfaces” (page 7). On claim 10, Purtilo fails to teach modifying the components of the program (page 8 on first paragraph), and fails to teach modifying the actual parameter list (p. 8 third paragraph). On claim 2, Craze does not teach that data is transmitted between the stack and the heap (p. 9 second paragraph).

As described in the specification, applicant disclosed the program-defined interface “there is no need for special interfaces previously defined by the programmer” on page 3 paragraph 4. Reference teaches the independent program-defined interface (with the description of these two interface patterns available, the programmer can use Nimble to create a new actual interface pattern (p. 210 col. 2 last paragraph). Here,

there is no need to be predefined interfaces and Nimble can independent defined interfaces as disclosed.

As to claim 10.b, reference teaches the limitation modifying the components entering calling information about the further component (the annotated actual parameter list is provided so that the programmer can pick and choose, p. 210 col. 2 paragraph 5). The components are modified after the programmer picked and chose from the annotated actual parameter list.

Examiner did not see specifically in any independent claim that claimed modifying the actual parameter list. However, the teaching on claim 10.b also meets this limitation.

As to claim 2, examiner sees that the specification, page 8 paragraph 3, does not disclosed the data is transferred from the stack to the heap. Instead, it disclosed "The transfer data region is reserved for intermediate storage of data Disposal principle". Therefore, Craze teaches the limitation (the return address identifies the location in the application heap where the CPU should continue processing when the called function returns to the calling function, col. 4 lines 1 – 20, and col. 5 lines 38 - 42).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong N. Hoang whose telephone number is (703) 605-4239. The examiner can normally be reached on Monday - Friday 9:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)746-7140.



ph

August 14, 2003.

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100